

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

4 MICHAEL ZELNY,) Case No.
5 Plaintiff,) CV 17-7357 JCS
6 vs.)
7 EDMUND G. BROWN, Jr.)
8 et al.,)
9 Defendants.)
_____)

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11
12 DEPOSITION OF BLAKE GRAHAM
13 Thursday, January 23rd, 2020
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22 Reported by:
23 David A. Disbrow
24 CSR No. 7768
25

1 BE IT REMEMBERED THAT, pursuant to the
2 laws pertaining to the taking and use of
3 depositions, and on Thursday, January 23rd, 2020,
4 commencing at the hour of 10:39 A.M., thereof,
5 at the Offices of REGUS, 580 California Street,
6 12th Floor, San Francisco, California, before me,
7 David A. Disbrow, Certified Shorthand Reporter for
8 the State of California, there personally appeared

9 BLAKE GRAHAM,
10 called as a witness by the Plaintiff, who was
11 examined and testified as is hereinafter
12 set forth:

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APPEARANCES

For the
Plaintiff: AFFELD GRIVAKES, LLP
2049 Century Park East
Suite 2460
Los Angeles, CA 90067
BY: DAMION ROBINSON, ESQ.
(310) 979-8700
Email: dr@agzlaw.com

For the
Defendant: HOWARD ROME MARTIN & RIDLEY, LLP
1900 O'Farrell Street
Suite 280
City of San Mateo, CA 94403
Menlo Park, BY: LISA K. RAUCH, ESQ.
Mr. Bertini (650) 365-7715
Email: lrauch@hrmrlaw.com

For the
Witness: STATE OF CALIFORNIA
Department of Justice
Office of the Attorney General
1300 I Street
P.O. Box 944255
Sacramento, CA 94244-2550
BY: NOREEN P. SKELLY, ESQ.
(916) 210-6057
Email: noreen.skelly@doj.ca.gov

Also Present: Videographer, Jason Sayler

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1 Thursday, January 23rd, 2020

2 P-R-O-C-E-E-D-I-N-G-S

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4 THE VIDEOGRAPHER: Today's date is January
5 23rd, 2020. My name is Jason Sayler and I am the
6 videographer for today. I represent Watson Court
7 Reporters in Los Angeles, California. I am not
8 financially interested in this action nor am I a
9 relative or employee of any of the attorneys or any
10 of the parties. The time is approximately 10:39 a.m.

11 This deposition is taking place at 580
12 California Street on the 12th Floor in San Francisco,
13 California. The case number is 17-CV-7357 JCS. This
14 is in the United States District Court, Northern
15 District of California. The case is entitled Zeleny
16 versus Brown, Jr., et al. This deposition is being
17 taken on behalf of Plaintiff.

18 Here begins video number one of the
19 deposition of Blake Graham as a 30(b)(6) witness for
20 the State of California. The court reporter is David
21 Disbrow. Will the attorneys please state their
22 appearances for the record.

23 MR. ROBINSON: Damion Robinson taking the
24 deposition on behalf of Plaintiff, Michael, Zeleny.

25 MS. SKELLY: Noreen Skelly, deputy attorney.

1 general, appearing on behalf of the deponent on
2 behalf of the Attorney General Becerra.

3 MS. RAUCH: Lisa Rauch from the law firm of
4 Howard, Rome, Martin and Ridley appearing for
5 Defendant, City of Menlo Park and Chief Dave Bertini,
6 B-E-R-T-I-N-I.

7 THE VIDEOGRAPHER: If the court reporter
8 would administer the oath then we can begin.

9 (Exhibits premarked for
10 Identification.)
11

12 (Whereupon the witness, BLAKE GRAHAM, who was duly
13 sworn to tell the truth, the whole truth, and nothing
14 but the truth testified as follows:)
15

16 EXAMINATION BY MR. ROBINSON

17 BY MR. ROBINSON:

18 Q Good morning.

19 A Hi.

20 Q We've been introduced before so I'm Damion
21 Robinson. I'm an attorney representing Michael Zeleny
22 in this case. Could you please state and spell your
23 full name for the record.

24 A Sure. Blake Graham; B-L-A-K-E, G-R-A-H-A-M.

25 Q Mr. Graham, have you had your deposition

1 okay?

2 **A** Yeah, I see that.

3 **Q** What does "Authorized" mean in that clause
4 that I just read?

5 **MS. SKELLY:** Objection; the deponent is not
6 authorized to interpret the statute which was written
7 by the Legislature and so he can't answer that
8 question.

9 **THE WITNESS:** I'm not aware of this
10 "Authorized participant" being defined by the
11 Legislature. I don't know that it's defined in DOJ
12 regulations either.

13 BY MR. ROBINSON:

14 **Q** Has the Attorney General's office issued an
15 opinion about what an "Authorized participant" means if
16 you know?

17 **A** I don't know that they have issued -- as I
18 said, this entertainment firearms permit area of the
19 law is I guess an infinitesimal part of the overall
20 firearms' scheme in the State and I don't think until
21 now I've even been asked what that phrase meant.

22 **Q** Do you have an understanding of what it means
23 now?

24 **MS. SKELLY:** Objection; there's no relevance
25 to the deponent's understanding of what the statute

1 means. The statute -- the document speaks for
2 itself. To the extent that any interpretation is
3 needed it will be done by the Court.

4 MS. RAUCH: Join.

5 BY MR. ROBINSON:

6 Q You can answer.

7 A I would have to do quite a bit of research
8 before I could come up with something on this. This
9 kind of a definition when it's not defined by the
10 Legislature sometimes can be left to the agency but to
11 my knowledge we've not done regulations which would
12 somehow clarify that and it's not something I can come
13 up with at the spur of the moment today.

14 Q Do you know if the DOJ has an official
15 position on what "Authorized participant" means?

16 MS. SKELLY: Objection; asked and answered.

17 THE WITNESS: Yeah, I think I've probably
18 said that just now in the last question

19 BY MR. ROBINSON:

20 Q Why don't you just go ahead and answer it
21 again.

22 A Okay.

23 Q Does DOJ have an official position on what
24 "Authorized participant" means in the exemptions?

25 A To my knowledge without -- lacking a

1 legal conclusion.

2 MS. RAUCH: Join.

3 THE WITNESS: My question is was there a
4 question? It sounded like a statement to me.

5 BY MR. ROBINSON:

6 Q Yeah. Your question is does he have to get
7 -- in order to not -- in order to fall within 26375 is
8 it the position of the DOJ that Mr. Zeleny is required
9 to get some kind of a permit from the City of Menlo
10 Park?

11 MS. SKELLY: Objection; exceeds the scope.

12 MS. RAUCH: Same objections as I've stated
13 previously.

14 THE WITNESS: I don't think I have the
15 knowledge to answer that question. I think I would
16 have to elevate something like that above me to
17 potentially get something like that if it was posed
18 to us other than in this fashion here.

19 BY MR. ROBINSON:

20 Q If Mr. Zeleny has an entertainment firearm
21 permit from the DOJ does that make him an authorized
22 participant within the meaning of 26375?

23 MS. SKELLY: Objection; exceeds the scope,
24 and asked and answered.

25 THE WITNESS: I would have the same answer as

1 MS. SKELLY: Oh, and would you mind sending
2 the transcript of Mr. Graham's testimony to me and
3 I'll take care of getting it to him and getting it
4 back to you.

5 THE REPORTER: Yes, thank you.

6 MS. SKELLY: Okay?

7 THE REPORTER: You'll stipulate?

8 MR. ROBINSON: Yeah, we'll stipulate to that.

9 THE REPORTER: Okay.

10 THE VIDEOGRAPHER: Okay. This marks the end
11 of media unit number three of three in the videotaped
12 deposition of Blake Graham as a 30(b)(6) witness for
13 the State of California Attorney General's office and
14 will conclude today's testimony. The time is 4:47
15 P.M. and we're off the record.

16 (The foregoing proceedings were
17 concluded at 4:47 P.M.)
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1 DECLARATION UNDER PENALTY OF PERJURY

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3
4 I hereby certify under penalty of perjury that I
5 have read the foregoing transcript of my deposition;
6 that I have made such corrections as appear noted
7 herein, in ink, initialed by me; that my testimony
8 as contained herein, as corrected, is true and
9 correct.

10
11 DATED this _____ day of _____ 2020,
12 at _____ California.

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20 Deponent
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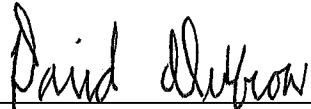
1 CERTIFICATE OF DEPOSITION OFFICER

2
3 I, DAVID A. DISBROW, CSR, duly
4 authorized to administer oaths pursuant to Section
5 2093(b) of the California Code of Civil Procedure,
6 hereby certifying that the foregoing proceedings
7 were taken at the time and place therein stated;
8 transcribed by means of computer-aided
9 transcription; that the foregoing is a full,
complete and true record of said proceedings;

10 I further certify that I am not of
11 Counsel or attorney for either or any of the
12 parties in the foregoing deposition and caption
13 named, or in any way interested in the outcome of
14 this cause named in said caption.

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FEB 19 2020

DATE



DAVID A. DISBROW
C.S.R. NO. 7768